

John W. Huber (Utah Bar No. 7226)
Daniel J. Wadley (Utah Bar No. 10358)
Marc T. Rasich (Utah Bar No. 9279)
Alexander Baker (Utah Bar No. 17163)
GREENBERG TRAUIG, LLP
222 South Main Street, Suite 1730
Salt Lake City, Utah 84101
Telephone: (801) 478-6900
john.huber@gtlaw.com
wadleyd@gtlaw.com
marc.rasich@gtlaw.com
bakera@gtlaw.com

Attorneys for Defendants

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

ERIC SCHIERMEYER, Derivatively on Behalf
of Nominal Defendant, BLOCKCHAIN GAME
PARTNERS, INC. D/B/A GALA GAMES,

Plaintiff,

vs.

WRIGHT W. THURSTON and TRUE NORTH
UNITED INVESTMENTS, LLC,

Defendants,

and

BLOCKCHAIN GAME PARTNERS, INC.
D/B/A BGP GAMES,

Nominal Defendant.

**DECLARATION OF BRANT FRANK IN
SUPPORT OF OPPOSITION TO
MOTION TO FREEZE ASSETS**

Case No. 2:23-cv-00589-HCN-DAO

Judge Howard C. Nielsen

Magistrate Judge Daphne A. Oberg

1. I, Brant Frank, am over the age of 18 and have personal knowledge of the facts set forth in this declaration. If asked to testify, I could and would competently testify thereto.

2. I have been working in the blockchain and cryptocurrency space since as early as 2016. I have designed and built software to trade various cryptocurrencies, and I began the initial designs for the Block Brother Blockchain Platform in 2017. My team and I designed all the initial scopes for the platform that became the Blockchain Game Partners (“BGP” or the “Company”) platform.

3. Since its inception through mid-2020, I held the position of Vice President of Engineering for BGP’s software development. In that role, I shared responsibility with Jeff Wilde for all aspects of software development for the company, including planning, architecting, and scoping. I worked closely with Wilde to lead the development efforts of BGP’s blockchain platform. As part of my responsibilities, I interviewed and hired Travis Allen, Mason Galland, and Jayden Johnston, among others.

4. In 2019, the blockchain platform was cloned to launch the Gala Games blockchain project. The code contributed to Gala Games included years of architecture, design, and software which covered wallet technology, dashboard, proof of action formulas, distributor, as well as all associated databases, APIs, and supporting systems.

5. The platform that was cloned to form the foundation of BGP’s technology had many completed features before any of the named developers (Allen, Galland, and Johnston) were hired in 2018 to assist in further developing the blockchain platform. I had already been actively working on the platform before Eric Schiermeyer and Wright Thurston decided to form Gala Games using the platform and a distribution model that had begun with other projects.

6. Allen was hired as a full stack developer in 2018 directly after completing a coding bootcamp. BGP was Allen's first job as a coder. Allen continued to work for Thurston until September 15, 2020.

7. In his declaration filed in support of the motion for a temporary restraining order, Allen states that only he, Johnston, Galland, and Schiermeyer were involved in creating the distribution model. This is completely incorrect.

8. The Gala distribution model was cloned directly from an existing coded distribution software created for another Thurston project that was stored in a private code repository. This distribution model was part of the platform that was created as early as 2017. Schiermeyer, Allen, Galland, and Johnson played no role in its creation. To the extent the original model was modified for BGP, those modifications were extensively discussed and ultimately designed by me, Wilde, and Stephen Miller, among others.

9. For as long as I have been associated with BGP, Allen, Galland, and Johnson made only minor modifications to pre-existing designs of distribution code. Any such modifications were made with my input and direction or at the direction of others with my authorization.

10. The distribution model previously created and used at BGP was intended to mimic, and largely did mimic, the distribution model of Bitcoin—a truly decentralized, non-custodial project. This is key to the proof of action and proof of power concepts that were discussed openly since at least 2018, well before the creation of BGP or Allen's involvement in the project.

11. The model did not include BGP owning nodes nor the creation of a company treasury. Initially, there was a single wallet for the Gala distributions earned by True North and Schiermeyer at the following address 0x381e840f4ebe33d0153e9a312105554594a98c42 (Allen refers to it as the “Central Wallet”). That wallet was always understood to be owned by both True North and Eric Schiermeyer based on the Gala they personally earned as node owners. It was never intended to be a Company wallet.

12. In my current role as Chief of Blockchain Security for various blockchain projects, I am responsible for auditing and advising on blockchain security practices. As such, I have personal knowledge of the exchanges on which True North or Thurston have transacted business and where they store their cryptocurrency.

13. I have reviewed the material included in the Kroll investigation report, including the list of wallets identified in that report. Neither Thurston nor True North have any accounts at Binance or Coinbase. Thurston and True North transact business at the Uniswap Defi Exchange, or directly via Genesis. Further, neither True North nor Thurston own or control any of the 979 custodial wallet companies identified in the Kroll report. To my knowledge, each of those wallets and its contents is owned or controlled by third parties.

I declare, under penalty of perjury under the laws of the state of Utah of the United States of America, that the foregoing is true and accurate.

DATED: September 11, 2023

/s/ Brant Frank
Brant Frank

CERTIFICATE OF SERVICE

I hereby certify that on 11 September 2023, a true and correct copy of the foregoing was filed with the Court's electronic filing system and thereby served on counsel of record.

Paul W. Shakespear
Cameron Cutler
Natalie Beal
SNELL & WILMER LLP
15 West South Temple, Suite 1200
Gateway Tower West
Salt Lake City, UT 84101
pshakespear@swlaw.com
ccutler@swlaw.com
nbeal@swlaw.com

Abram L. Moore
Christian A. Zazzali
K&L GATES LLP
70 West Madison Street, Suite 3100
Chicago, IL 60602
abe.moore@klgates.com
christian.zazzali@klgates.com

GREENBERG TRAURIG, LLP

/s/ Lindsey A. Wharton

